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PART II—Section 1

प्राधिकार से प्रकाशित

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 No. १८] NEW DELHI, THURSDAY, MAY 20, 1971/VAISAKHA 30, 1893

इस भाग में अलग पृष्ठ संख्या वी जाती है जिससे कि यह घरगु लंकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW
(Legislative Department)
New Delhi, the 20th May, 1971/Vaisakha 30, 1893 (Saka)
THE GOLD (CONTROL) AMENDMENT ORDINANCE, 1971
 No. 8 OF 1971

Promulgated by the President in the Twenty-second Year of the Republic of India.

An Ordinance further to amend the Gold (Control) Act, 1968.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Gold (Control) Amendment Ordinance, 1971.

Short title
and com-
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ment.

(2) It shall come into force at once.

45 of 1968. 2. In section 71 of the Gold (Control) Act, 1968 (hereinafter referred to as the principal Act),—

Amend-
ment
of sec-
tion 71.

(i) for sub-section (1), the following sub-section shall be, and shall be deemed always to have been, substituted, namely:—

“(1) Any gold in respect of which any provision of this Act or any rule or order made thereunder has been, or is being, or is attempted to be, contravened, together with any package, covering or receptacle in which such gold is found, shall be liable to confiscation:

Provided that where it is established to the satisfaction of the officer adjudging the confiscation that such gold or other thing belongs to a person other than the person who has, by any act or omission, rendered it liable to confiscation, and such act or omission was without the knowledge or connivance of the person to whom it belongs, it shall not be ordered to be confiscated but such other action, as is authorised by this Act, may be taken against the person who has, by such act or omission, rendered it liable to confiscation.”;

(ii) for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:—

“(2) Where any package, covering or receptacle referred to in sub-section (1) contains any other goods, such contents shall also be liable to confiscation.

(3) Where any gold is liable to confiscation under sub-section (1), it shall be so liable notwithstanding any change in its form, and where such gold is mixed with other goods in such manner that it cannot be separated from those other goods, the whole of such goods, including the gold, shall be liable to confiscation.

(4) On and from the commencement of the Gold (Control) Amendment Ordinance, 1971, the proviso to sub-section (1) shall also apply to any gold or other thing which is liable to confiscation under sub-section (2) or sub-section (3).”.

Amendment of section 73. 3. In section 73 of the principal Act, the word “twice” shall be, and shall be deemed always to have been, omitted.

Re-opening of past confiscations. 4. (1) Where any order made, before the commencement of this Ordinance, for the confiscation of any gold or other thing or giving option to pay fine in lieu thereof is such that it could not have been made if the principal Act, as amended by this Ordinance, were in force on the date on which the said order was made, the officer competent under section 78 to adjudge such confiscation shall, on an application made to him by the person aggrieved by such order, set aside the order of confiscation or, as the case may be, the order giving option to pay fine in lieu of confiscation, and also any order imposing penalty in addition to confiscation or giving option to pay fine in lieu thereof, and make a fresh adjudication in accordance with the provisions of the principal Act, as amended by this Ordinance.

(2) The power referred to in sub-section (1) shall be exercised by the officer specified therein in relation to the final order of adjudication of confiscation or giving option to pay fine in lieu thereof or imposing any penalty, whether or not such final order was made in appeal under section 80 or in revision under section 81 or section 82.

(3) Every application referred to in sub-section (1) shall be made within ninety days from the commencement of this Ordinance or within such further time, not exceeding ninety days, as the officer specified in that sub-section may, on sufficient cause being shown, allow.

(4) Where, and in so far as, any order for the confiscation of any gold or other thing, or any option given to pay fine in lieu of confiscation, or imposing any penalty is modified or reversed, the officer specified in

sub-section (1) shall make an order for such refund or restitution as the circumstances of the case may require:

Provided that where the restitution of any gold or other thing is not practicable, the said authority shall make an order for the payment to the person to whom such restitution is to be made, the market value of such gold or other thing, as on the date on which the fresh adjudication is made.

(5) Nothing in this section shall apply to any confiscation made, option given to pay fine in lieu of confiscation, or penalty imposed under Part XII-A of the Defence of India Rules, 1962.

5. Notwithstanding any judgment, decree or order of any court, any validation, -45 of 1968. confiscation made, penalty imposed or fine levied under the Gold (Control) Act, 1968, before the commencement of this Ordinance shall, in so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been made, imposed or levied in accordance with the provisions of the Gold (Control) Act, 1968, as amended by this Ordinance.

V. V. GIRI,

President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

